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Hearing Date: March 28, 2019
Hearing Time: 10:00 a.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

SCOTT B. UGELL,

Case No. 19-22239 (rdd)

Debtor.

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DEBTOR'S MOTION TO DISMISS THE CHAPTER 11 CASE

TO: THE HONORABLE ROBERT D. DRAIN:
UNITED STATES BANKRUPTCY JUDGE:

1. The above-captioned debtor and debtor-in-possession, Scott Ugell (the “Debtor”), by his attorneys, DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, as and for his motion (the “Motion”) for an order pursuant to §1112(b) of Title 11 of the United States Code, dismissing the Debtor’s Chapter 11 proceeding, respectfully represents as follows:

Jurisdiction and Venue

2. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Consideration of the Motion is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

3. This proceeding has been initiated pursuant to Bankruptcy Code §§1112(b) of title 11 of the United States Code, 11 U.S.C. §§ 101, et seq., (the “Bankruptcy Code”)

and Rules 1017(a) and 2002(a)(4) and of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

Background

4. On July 3, 2014 (the “Petition Date”), the Debtor filed a voluntary petition for reorganization pursuant to Chapter 11 of the Bankruptcy Code. The Debtor has continued in possession of its assets and management of its affairs as a Debtor-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

5. No official committee of unsecured creditors, trustee or examiner has been appointed in the Chapter 11 case.

6. The Debtor filed this Chapter 11 case filing because of a litigation dispute with his former partner in the matter, *Citrin Properties LLC v. Eagle Falley Hunt & Fish Club, LLC and Scott B. Ugell*, Supreme Court, Rockland County, Index No. 033259/2016.

7. After the filing of this chapter 11 case, the Debtor and his former business partner entered an agreement resolving their dispute, subject to dismissal of the chapter 11 case.

8. The Debtor submits that a dismissal is in the best interests of the creditors in that if this proceeding remains in a Chapter 11, the only result will be substantial administrative expenses and continuing attorney fee costs.

CONCLUSION

9. Based upon the foregoing, the Debtor respectfully submits that dismissal is both appropriate and warranted under Section 1112(b) of the Bankruptcy Code.

10. No prior application for the relief requested herein has been made.

WHEREFORE, the Debtor requests that the Court enter an Order dismissing the Debtor's Chapter 11 proceeding, together with such other and further relief as is just and proper.

Dated: White Plains, New York
March 1, 2019

DELBELLO DONNELLAN WEINGARTEN
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Attorneys for the Debtor

/s/ Dawn Kirby

BY: _____

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